

Case 7:16-cr-01328 Document 1 Filed in TXSD on 08/20/16 Page 1 of 2

United States District Court

SOUTHERN

DISTRICT OF
McALLEN DIVISION

TEXAS

UNITED STATES OF AMERICA

v.

Marcos David Rivera

YOB:

PRINCIPAL

1988

CO-PRINCIPAL

USC

CRIMINAL COMPLAINT

Case Number:

M-16 - 1547 -M

UN SEALED 8-26-16

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about August 18, 2016 in Hidalgo County, in the Southern District of Texas defendants(s) did, **(8/26/2016 cr) Avalos-**

Melendez

knowing or in reckless disregard of the fact that Marvin Fabricio Hernandez-Chicas and Carlos Rolando Avalos-Mendez citizens and nationals of El Salvador, along with twenty (20) other undocumented aliens, for a total of twenty-two (22), who had entered, or remained in the United States in violation of law, concealed, harbored or shielded from detection or attempt to conceal, harbor, or shield from detection such aliens in any place, including any building or means of transportation

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(iii) FELONY
I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On August 15, 2016, Border Patrol Agents received information on a possible stash house located at 1012 North Stewart Road in Mission, Texas. The stash house is a small travel trailer located inside a trailer park.

(1012 North Stewart Road, Mission, Texas will be referred to as the target location for the remainder of this complaint.)

On August 16, agents conducted surveillance on the target location. Agents observed a PT Cruiser arrive at the target location and noticed the driver and two passengers exit the vehicle and enter the target location. Moments later, the agents observed the driver exit the target location and drive away. Agents followed the vehicle to the H.E.B on F.M. 495 and Conway Avenue. At one point, the agents pulled next to the PT Cruiser and noticed that the driver had several tattoos that look like horns on his face. Agents also noticed that a male subject entered the PT Cruiser and then they drove back to the target location. Agents positioned themselves to be able to observe as the vehicle exit the location in an attempt to conduct a traffic stop. However, the agents did not see when the vehicle exited through a back gate and drove away.

On August 17, 2016, agents conducted surveillance at the target location but did not see any activity.

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Signature of Complainant

Francisco Sanchez Senior Patrol Agent

Printed Name of Complainant

Sworn to before me and subscribed in my presence,

August 20, 2016
Dateat McAllen, Texas
City and StateDorina Ramos
Name and Title of Judicial Officer

U. S. Magistrate Judge

Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-16 - 1547 -M

RE: Marcos David Rivera

CONTINUATION:

On August 18, 2016, agents conducted surveillance at the target location and observed a green Ford Expedition arrive at the target location and a male driver and a male passenger delivered multiple bags of groceries to the target location. A few moments later, the driver of the green Expedition returned to the vehicle and departed the location. Agents attempted to coordinate a traffic stop with Mission Police Department, however, the agents lost the vehicle in heavy traffic.

Agents perceived that the driver of the green Expedition noticed he was being followed, so agents decided to conduct a consensual "Knock and Talk" at the target location along with Mission Police Department. A male subject opened the door and agents observed numerous subjects inside the small travel trailer. Agents then asked the subjects to exit the trailer to determine their legal status in the United States. A total of twenty-two (22) illegal aliens were arrested at the target location.

Once at the Border Patrol Station, agents interviewed all illegal aliens and were able to obtain two material witnesses who were able to identify Marcos David RIVERA as the caretaker of the stash house. Marcos David RIVERA was not present at the time of the "knock and Talk". An arrest warrant for Marcos David RIVERA is forthcoming.

MATERIAL WITNESS -1:

HERNANDEZ

Marvin Fabricio ~~HERNANDEZ~~ Chicas was read his Miranda Rights and agreed to provide a sworn statement without an attorney present.

Marvin HERNANDEZ-Chicas, a citizen of El Salvador, stated he was smuggled across the Rio Grande River six days ago. HERNANDEZ also stated that once in the United States a male subject with a lot of tattoos on his body and face transported him to the stash house where he was arrested by immigration. HERNANDEZ claims that the subject with tattoos would bring more illegal aliens to the stash house and also bring them food. HERNANDEZ indicated that when he and others arrived at the stash house, the man with tattoos would take away their cell phones and also would make them take off their clothes to check for any tattoos. HERNANDEZ stated the man with tattoos would give them instructions to be quiet. Furthermore, HERNANDEZ also stated that the man with tattoos would transport illegal aliens out of the stash house.

Marvin Fabricio HERNANDEZ-Chicas was able to identify Marcos David RIVERA through a photo lineup as the man with tattoos and caretaker of the stash house.

MATERIAL WITNESS - 2:

Carlos Rolando AVALOS-Melendez was read his rights and agreed to provide a statement without an attorney present.

AVALOS

Carlos Rolando ~~AVALOS~~ Melendez a citizen of El Salvador, stated that after he was smuggled into the United States, he was taken to the stash house where he was arrested by immigration. ~~AVALOS~~ AVALOS also stated that a man with tattoos on his face would bring them food and water. He claims that the same man asked for his name and then gave them instructions to go into the back room.